

**FILED
SCRANTON**

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

NOV - 8 2011

Per. h.e.p
DEPUTY CLERK

KEVIN EDWARD SHUGHART,

Plaintiff,

v.

CUMBERLAND COUNTY PRISON, et al.,

Defendants.

CIVIL ACTION NO. 3:11-CV-1400

(Judge Kosik)

MEMORANDUM AND ORDER

AND NOW, THIS 8 DAY OF NOVEMBER, 2011, IT APPEARING TO
THE COURT THAT:

- (1) Plaintiff, Kevin Edward Shughart, a prisoner formerly confined at the Cumberland County Prison, Carlisle, Pennsylvania, filed the instant civil rights action pursuant to 42 U.S.C. §1983 on July 28, 2011;
- (2) The action was assigned to Magistrate Judge J. Andrew Smyser for Report and Recommendation;
- (3) On October 18, 2011, the Magistrate Judge issued a Report and Recommendation (Doc. 11) wherein he recommended that the plaintiff's complaint be dismissed;
- (4) Specifically, the Magistrate Judge found that plaintiff's complaint failed to state a claim upon which relief could be granted; that plaintiff failed to file an amended complaint as directed; and that plaintiff was released from prison and failed to inform the court of a current address;
- (5) Petitioner has failed to file timely objections to the Magistrate Judge's Report and Recommendation;

AND, IT FURTHER APPEARING THAT:

- (6) If no objections are filed to a Magistrate Judge's Report and Recommendation, the plaintiff is not statutorily entitled to a de novo review of his

claims. 28 U.S.C.A. §636(b)(1)(C); Thomas v. Arn, 474 U.S. 140, 150-53 (1985). Nonetheless, the usual practice of the district court is to give “reasoned consideration” to a magistrate judge’s report prior to adopting it. Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987);

(7) We have considered the Magistrate Judge’s Report and we concur with his recommendation;

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

- (1) The Report and Recommendation of Magistrate Judge J. Andrew Smyser dated October 18, 2011 (Doc. 11) is **ADOPTED**;
- (2) The plaintiff’s complaint is **DISMISSED**; and
- (3) The Clerk of Court is directed to **CLOSE** this case and to forward a copy of this Memorandum and Order to the Magistrate Judge.



Edwin M. Kosik
United States District Judge